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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,199	02/14/2002	Adrian Filipi-Martin	CHM03	3201

7590
McNair Law Firm, P.A.
P.O. Box 10827
Greenville, SC 29603

EXAMINER

FIELDS, COURTNEY D

ART UNIT	PAPER NUMBER
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2137

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/076,199

Applicant(s)

FILIPI-MARTIN ET AL.

Examiner

Courtney D. Fields

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 7-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2 and 7 is/are allowed.
- 6) ☒ Claim(s) 1,3,8 and 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 4-6,10-19 have been cancelled.
2. Claims 1-3 and 7-9 are pending.

Response to Amendment

3. Applicant's request for reconsideration of the finality of the rejection of the last Office action filed 16 February 2007 is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim language is vague and unclear to the Examiner. The Examiner suggest the following changes to be made regarding claim 1: "a set of computer readable encryption instructions embodied in the computer readable medium for receiving the electronic message from the e-mail client that is created by the sender and addressed to the recipient having the sender's ID and password, attempting to decrypt the sender's private key according to the sender's ID and password, if the sender's private key is successfully decrypted, attempting to retrieve the recipient's public key from the computer readable medium. If the sender's private key is successfully decrypted and the recipient's public key is not located in the computer

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readable medium, attempting to retrieve the recipient's public key from a PKI server in communications with the computer readable medium, encrypting the electronic message according to the recipient's public key, forwarding the encrypted message to the recipient for subsequent retrieval so that the electronic message is automatically encrypted and delivered to the recipient without the need for the email client to retrieve the recipient's public key or encrypt the message". Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 8-9 are rejected under 35 U.S.C. 102(e) as being anticipated by O'Brien et al. (US Patent No. 6,990,578)

Referring to the rejection of claim 8, O'Brien et al. discloses an automated encryption system for decrypting an electronic message from a sender to a recipient comprising:

a computer readable medium in communication with a sender's mail server (See Column 6, lines 52-58)

a set of computer readable decryption instructions embodied within the computer readable medium for receiving a recipient's access attempt from a client representing an attempt to retrieve a message sent from the sender to the recipient having recipient's ID and password, (See Column 5, lines 46-59)

attempting to decrypt sender's private key according to recipient's ID and password, (See Column 5, lines 9-14)

if the sender's private key is decrypted, decrypting the message with the sender's private key and forwarding the decrypted message to the recipient (See Column 5, lines 15-19)

Referring to the rejection of claim 9, O'Brien et al. discloses the claimed limitation wherein the set of computer readable instructions include instructions for

retrieving the public key associated from the sender, (See Column 5, lines 9-14)

attempting to validate the electronic message according to a digital signature associated with the digital signature, (See Column 5, lines 46-59)

and providing the validation results to the recipient so that the recipient can be notified as to the authenticity of the message (See Column 5, lines 60-67)

Allowable Subject Matter

8. Claims 2-3 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Courtney D. Fields whose telephone number is 571-272-3871. The examiner can normally be reached on Mon - Thurs. 6:00 - 4:00 pm; off every Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


cdf

March 15, 2007


EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER